

REMARKS

This Amendment is being filed in response to the Office Action dated December 2, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 2, 4 and 6-21 are withdrawn.

In the Office Action, claim 4 is objected to for the wrong claim status being indicated. Claim 4 is presented herein with a claim status of withdrawn. Accordingly, withdrawal of the objection to claim 4 is respectfully requested.

The abstract of the disclosure is objected to for informalities. By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Accordingly, withdrawal of the objection to the abstract is respectfully requested.

Claims 1, 3 and 5 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 7,028,405 to Paas ("Paas"). These rejections are respectfully traversed. It is respectfully submitted that claims 1, 3 and 5 are allowable over Paas for at least the following reasons.

Paas shows a vibratory shaver with a razor cartridge 12 and a body (cover 20) (see, Pass, FIGs. 1 and 2). As clearly shown by FIG. 2, the razor cartridge 12 of Paas is connected to the body through a rail 17. Clearly the razor cartridge 12 is not connected to the body through a pivot axis and is not pivotably relative to the base portion about a pivot axis.

The Office Action relies on FIGs. 1-6 and Col. 6, lines 23-48 for showing that the shaving head is pivotable relative to the base portion about a pivot axis however, it is respectfully submitted that reliance on Paas is misplaced. It is respectfully submitted that Paas merely shows that the razor oscillates about a shaft 56.

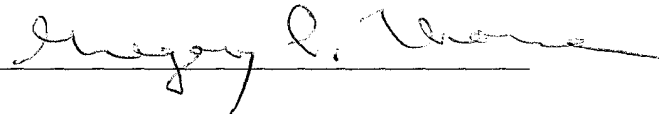
It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Paas. For example, Grivna does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "the shaving head is pivotable relative to the base portion about a pivot axis wherein the base portion is pivotably coupled to the shaving head, and the periodical motion of the cutting member is a periodical motion relative to the shaving head" as recited in claim 1.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Paas and notice to this effect is earnestly solicited. Claims 3 and 5 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
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**THORNE & HALAJIAN, LLP**

Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101